

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA

In re: : BANKRUPTCY CASE  
KENT BIEHLER and : NO. 12-70624-JTL  
VICTORIA BIEHLER, :  
Debtors. : Chapter 7 Proceeding

**NOTICE OF HEARING ON TRUSTEE'S MOTION TO REQUIRE DEBTORS  
TO TURN OVER ESTATE PROPERTY**

Walter W. Kelley, Trustee ("Trustee") in the above case filed a motion asking the Court to require the above-named Debtors to turn over possession of a house and real estate at 4612 Oak Arbor Drive, Valdosta, Georgia to the Trustee so that the property can be sold.

YOUR RIGHTS MAY BE AFFECTED. READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO GRANT THE MOTION, OR YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE April 1st, 2014.

THE OBJECTION OR RESPONSE SHOULD BE SENT TO CLERK, U. S. BANKRUPTCY COURT, P. O. BOX 2147, COLUMBUS, GA 31902. IF A RESPONSE OR OBJECTION IS FILED, A HEARING WILL BE HELD ON April 23, 2014 AT 10:30 A.M. IN THE U. S. BANKRUPTCY COURT, FEDERAL BUILDING AND POST OFFICE, 401 N. PATTERSON STREET, 2<sup>ND</sup> Floor, VALDOSTA, GA, 31601.

IF YOU MAIL YOUR RESPONSE OR OBJECTION TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE THE OBJECTION OR RESPONSE ON OR BEFORE THE RESPONSE DATE STATED ABOVE. ANY RESPONSE OR OBJECTION MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING. IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE MOTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

Date of this notice: March 24, 2014.

  
/s/ Thomas D. Lovett

Thomas D. Lovett, Attorney for Trustee  
Post Office Box 1164  
Valdosta, Georgia 31603  
(229) 242-8838

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VALDOSTA DIVISION

In re: : BANKRUPTCY CASE  
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**TRUSTEE'S MOTION TO REQUIRE DEBTORS TO  
TURN OVER ESTATE PROPERTY**

Comes now Walter W. Kelley, Trustee in the above case ("Trustee") and files this motion to require the above Debtors to turn over possession of property of the estate and shows as follows:

-1-

Kent Biehler and Victoria Biehler ("Debtors") filed the above bankruptcy case on May 14, 2012. The case was converted to a chapter 13 case on September 10, 2012. The case was reconverted to a chapter 7 case on October 1, 2013.

-2-

Walter W. Kelley serves as the Trustee in this case.

-3-

This Court has jurisdiction over this matter under 11 U.S.C. §105(a), 541 and/or 542 and Federal Rule of Bankruptcy Procedure 9014. This motion is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A), (E) and/or (O).

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Debtor Victoria Biehler is the record title owner of a house and real estate located in Lowndes County, Georgia. The address for the house is 4612 Oak Arbor Drive, Valdosta, Georgia. This property is property of the bankruptcy estate under 11 U.S.C. §541. The Debtors reside in the house located at 4612 Oak Arbor Drive, Valdosta, Georgia.

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The Trustee has filed a motion to sell 4612 Oak Arbor Drive, Valdosta, Georgia. The Trustee has employed Rowell Auctions, Inc. to sell the property. With the Debtors' consent, Rowell Auctions, Inc.'s agent has inspected the property, including the house.

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Based on an inspection of the property, the property is not in a condition to be sold for the highest and best price. The house is not presentable in a way that it may be viewed favorably by prospective purchasers because the house is in disarray and cluttered with the Debtors' personal possessions, including household goods, furniture, clothes, decorations and other items and a significant quantity of junk.

-7-

To obtain the highest and best price, the Trustee requires the Debtors and the Debtors' non-exempt personal property and possessions to be removed from the property.

**WHEREFORE, THE TRUSTEE PRAYS FOR AN ORDER:**

- a) Requiring the Debtors to immediately surrender possession of the above-described house and real estate to the Trustee;
- b) Requiring the Debtors to immediately surrender possession all keys, garage door openers or other remote or electronic controllers, alarm codes, house building plans, owner's/operator's manuals and all other documents that pertain to the home and home appliances to the Trustee;
- c) Prohibiting the Debtors from removing any appliance, fence or other property which is a fixture or that is part of, attached to or built-in the house or real estate;
- d) Prohibiting the Debtors from altering or doing any damage to the house or real estate;
- e) Requiring the Debtors to remove all exempt property located in the house and the real estate, including household goods, furniture, clothes and all other possessions; and
- f) Granting any further relief the Court deems just and proper.



/s/ Thomas D. Lovett

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**CERTIFICATE OF SERVICE**

I certify that I have furnished a true copy of the within and foregoing **Trustee's Motion to Require Debtors to Turn Over Estate Property** and **Notice** of same to the below named parties. Those not served by Court's electronic filing system were served by depositing the same in the United States Mail in properly addressed envelopes with sufficient First Class postage affixed to guarantee delivery on this 13<sup>th</sup> day of March, 2014.

ELIZABETH HARDY, ASST. U.S. TRUSTEE  
Ustp.region21.mc.ecf@usdoj.gov

Kent Biehler and Victoria Biehler  
4612 Oak Arbor Dr.  
Valdosta, GA 31602

Shelba Sellers  
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/s/ Thomas D. Lovett  
Thomas D. Lovett  
Attorney for Trustee